

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 844 - HB 919

March 9, 2009

SUMMARY OF BILL: Changes the method for determining whether a person convicted of two or more DUI offenses should be punished as a multiple offender. Under current law, any person convicted of a second DUI offense within 10 years of a prior DUI conviction shall be punished as a multiple offender. Under this bill, a person convicted of a second DUI offense shall be punished as a multiple offender if less than 10 years have elapsed from the time of the first DUI conviction to the arrest date for the second DUI conviction.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – Not Significant

Increase Local Revenue - \$36,100/Recurring

Increase Local Expenditures - \$252,600/Recurring*

Assumptions:

- There were at least 14,405 DUI convictions in FY07-08 for persons considered first-time DUI offenders.
- There were at least 2,822 DUI convictions in FY07-08 for persons considered second-time DUI offenders; 870 considered third-time DUI offenders and 612 considered fourth-time offenders. The total number of multiple DUI offenders in FY07-08 is estimated to be 4,304 ($2,822 + 870 + 612 = 4,304$).
- Based on information received from the Department of Safety and the Administrative Office of the Courts, this bill could increase the number of individuals punished as multiple DUI offenders.
- No significant change to the number of court cases.
- Any increase to state expenditures is considered not significant.
- Determining the number of additional multiple offenders as a result of this bill is difficult due to unknown factors. However, the number is conservatively estimated to be three percent. Therefore, the additional

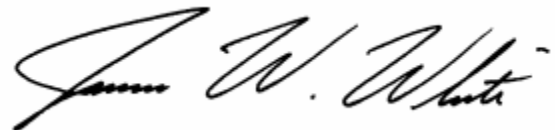
number of DUI offenders that would be considered multiple offenders under this bill is estimated to be 129 ($4,304 \times 3\% = 129$).

- The average fine for a DUI offender not considered a multiple offender is estimated to be \$400.
- The average fine for a DUI offender that will be considered a multiple offender under this bill is estimated to be \$750.
- Twenty percent of fines will not be collected due to indigence.
- One-hundred percent of DUI fine revenue goes to local government.
- The increase to local government revenue is estimated to be \$36,100 per year $[(\$750 - \$400) \times 129 \times 80\% = \$36,120]$.
- The average length of incarceration for a DUI offender not considered a multiple offender is 48 hours (two days).
- The average length of incarceration for a DUI offender that will be considered a multiple offender under this bill is estimated to be 45 days.
- All DUI offenders are incarcerated in local county jails.
- According to the Department of Correction, the weighted-average cost of incarcerating an individual in a county jail is approximately \$45.53 per inmate per day.
- The increase to local government expenditures is estimated to be \$252,600 per year $[(45 - 2) \times 129 \times \$45.53 = \$252,555]$.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/rnc